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DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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Salt Lake City, Utah 84180-1203
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m/035/002

April 5, 1993

Mr. Frederick D. Fox
Director, Environmental Affairs
Kennecott Utah Copper
P.O. Box 525
Bingham Canyon, Utah 84006-0525

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Dear Mr. Fox:

Re: Conditional Use Permit - Kennecott Smelter Modernization, Kennecott Utah Copper (KUC), Salt Lake County, Utah

The Division has received your March 29, 1993 letter which addresses KUC's ongoing permitting process with the Salt Lake County Planning Commission for the modernized smelter and refinery. Your letter indicated that the Planning Commission's final approval of a Conditional Use Permit is conditioned upon KUC's receiving and agreeing to recommendations of other agencies. The Division of Oil, Gas and Mining was included on the Commission's list of other agencies.

As you correctly acknowledged in your letter, this Division has no direct regulatory jurisdiction over KUC's smelting or refining operations. These types of processing facilities are specifically excluded under Title 40-8-4(8)(b), "*Mining Operation*", of the Utah Mined Land Reclamation Act and by rule R647-1-106, Definitions - "*Mining Operation*".

I hope this explanation will satisfy the concerns/requirements of the Planning Commission. If you require additional information in this regard, please contact me directly at 538-5340.

Sincerely,

Lowell

Lowell P. Braxton
Acting Director

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smelter.KUC